



DATE:	October 9, 2012
APPROVED BY:	Russell Schaedlich, Secretary

**MINUTES OF THE  
LAKE COUNTY PLANNING COMMISSION  
September 25, 2012**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Hausch called the meeting to order at 5:02 p.m.

**ROLL CALL**

The following members were present: Messrs. Bodnar (Alt. for Adams), Morse, Schaedlich, Siegel, Smith, Welch (Alt. for Aufuldish), Zondag, and Mmes. Hausch. Staff present: Mr. Radachy, and Ms. Myers.

**MINUTES**

Two corrections were made to the August 28, 2012 minutes. Delete Mr. Morse's name in the roll call as he was not present and add the word "story" in the sixth paragraph on page six between single and detached.

Mr. Zondag moved to accept the August 28, 2012 minutes as amended and Mr. Welch seconded the motion.

Four voted "Aye".  
Four abstained.  
Motion passed.

**FINANCIAL REPORT**

Mr. Morse moved and Mr. Zondag seconded the motion to approve the July, 2012 Financial Report.

All voted "Aye".

Ms. Pesec arrived at approximately 5:10 p.m.

**PUBLIC COMMENT**

There was no public comment.

## LEGAL REPORT

Mr. Josh Horacek said there was no legal report.

Mr. Zondag asked if he had heard anything more on Kimball Estates in Madison. Mr. Horacek replied that they were trying to set up a meeting with all parties present. He stated that the engineer and the developer think the best solution is to use Mr. Brotzman's property, and he is resistant to this idea. Everything is on hold until a meeting is set.

## DIRECTOR'S REPORT

Mr. Radachy said the staff has been actively working on the following:

- Consulting with Madison Township on their zoning text which is part of land use and zoning tonight.
- The Lake County Soil & Water Conservation District and Arcola Creek Watershed Action Plan.
- The Bylaws Committee had its first meeting.
- The Lake County Treasurer has received a "Moving Ohio Forward Grant". Staff assisted with the application.
- Fairport Harbor Village is asking us to do a Comprehensive Plan as an extension of their contract.
- Ashtabula County is interested in us doing consulting for them on subdivisions, land use and zoning cases. Currently their Planning Director retired, Assistant Director suddenly quit, and their Community Development Block Grant person has been handling their planning issues and lot splits. This will be temporary for about eight hours a month for a fee until they can hire a new Planner. A contract is being submitted to the office.
- It is looking like Concord Township may hire someone to do their sign regulations and staff will consult as a committee member.

Ms. Hausch asked if we wanted to consider going out to work for another county and Mr. Zondag asked whether the Interim Director would be traveling or if Ashtabula would be submitting materials to staff for review. Mr. Radachy replied that most of the time it would involve materials being submitted via email for review. They have a pre-application meeting coming up that may require some travel. He was told they have been doing about six subdivisions a year. This will provide extra income for the Office. Mr. Zondag warned Mr. Radachy to be careful to put Lake County before Ashtabula County so as not to overload the Office.

Mr. Schaedlich asked if a motion was needed and Mr. Radachy replied that now that the County Commissioners are in charge of the staff, there is no need to make a motion. He also stated that if they wished to see the contract, they could.

It was requested that a formal request be made to the County Commissioners to see the contract as a reminder to keep this body in the loop with this type of thing and to maintain the stability of the current planning structure.

## ANNOUNCEMENT

The 2012 APA Ohio Cleveland Section Planning and Zoning Workshop will be held on November 16<sup>th</sup> at the Hilton Garden Inn located in downtown Cleveland, Ohio. Mr. Radachy will be moderating one of the morning sessions on fair housing for the Workshop.

## SUBDIVISION REVIEW

### Concord Township – Request for Final Plat Extension for Mountainside Farms, Phase 4

This is the third request from Mountainside Farms, Phase 4 for a final plat extension. They are asking for a two-year extension. Mr. Radachy showed a PowerPoint and explained that this plat was originally submitted in 2005 with 11 sublots and resubmitted in October, 2008. The resubmitted plat will dedicate a road to connect the rest of the subdivision by extending Karaboo to Morley Road and also dedicate two blocks of land for future development. Mountainside Farms LLC is the Developer and Gutoskey and Associates, Inc. is the Surveyor/Engineer. The zoning on this property is R-1 and is a 22,000 square foot lot with sanitary, sewer and water.

The improvement plans were accepted on October 31, 2011 and they had asked for the second extension request in September, 2011. There is a sanitary easement from Phase 1 on the property and an access drive in the easement. According to Utilities' regulations, when a sanitary easement is made of this length, they need to have an access drive put in for access to the manholes so they can bring their truck in to sweep out the sewers when they need to be cleaned. Construction traffic is allowed to go through this access to get to the housing units that are being built to help protect the road on Humphrey Hill. The problem is the access point is unblocked, which allows residents to use the access road in addition to the construction traffic. The gravel originally put on the road has disappeared because of the amount of traffic using it.

There are two blocks that will remain in this phase. Block A, which is the lakefront, and Block B, which will be future sublots. At this point, we do not know what they will do with Block A or Block B.

Comment sheets were sent to the County Engineer, Utilities and Concord Township. All had no issues with this extension or deferred to the Planning Commission's judgment. Mr. Radachy recommended this extension be allowed because there is an access drive in the right-of-way. This could become an issue for the Township in the future.

The Developer could post a construction surety or passbook tomorrow or by October 31<sup>st</sup>, which would give them another two years to build the road. The current Subdivision Regulations do not recommend a maximum number of extensions, but the regulations passed by this body a couple months ago limit developers to two extensions and are on their way to the Commissioners with a request to set a public hearing.

Ms. Pesec asked what happened if an extension was not granted and Mr. Radachy replied that its approval would expire on October 31, 2012, the plat would need to be resubmitted, a resubmission fee would be paid, and it would again be reviewed by staff and other County agencies, and then brought back to this Board for approval. He pointed out that the Developer still had the option to post a construction surety or passbook and file the plat now. The regulations allow that the surety would be accepted by the County Commissioners. There is no downside to the Developer doing this because they would no longer have to pay taxes on the road and Concord Township would be

responsible for it. Right now, if an accident occurred on the road, the residents would be trespassing and Concord might be able to get some of their costs back from the insurance company. Mr. Radachy acknowledged that he did not know the legalities of the trespassing issue.

The members discussed the length of an extension to be given because of the road issue. It was the consensus that the length would be under one year. The road would probably not be done in the winter. They did not want to put Concord in the position of protecting a dirt road in the winter. If a full year was given, they would be back to fall again and they would come back with another extension request. A six-month or eight-month extension should allow them enough time to work on the road. If the Regulations change in the next four months, they would be grandfathered.

Mr. Gutoskey said they are actually in the process of asking for a construction meeting with the County Engineer to start putting in underground utilities and working with ODNR concerning the dam issues on Block A. The Developer wants to reduce the amount of water stored behind it so that ODNR no longer has jurisdiction. They intend to make the pond smaller and create a new channel through it to get under the ODNR threshold in the spring and paving the road sometime in April, May or June. Mr. Fine got four builders buying lots with an agreement that once they purchased eight lots, he would be responsible to put in the road. They are up to eight lots now. Per this agreement, he needs to put in the road. He thought an extension through June would accommodate their plans. Mr. Gutoskey replied to a question concerning the location of the eight lots by stating they were in Phases 3A and 3B, which consist of 22 lots.

The Commission members were concerned about the construction road being a hazard and why the roads could not be blocked off or barricaded. The response was because there was a lot of construction traffic going on with the new houses being built. The members stated there should be no public access. It was discussed that a sign stating "construction only" would probably not stop residential traffic. It was suggested that the builders block it after they leave at night. Mr. Gutoskey said he would talk to Mr. Fine to see if he could work out something with the builders at night. If they get started on the road in the next couple weeks, the road would be ripped up and this would become a moot issue.

It was the consensus of the Commission not to extend the plat for a full year, but to consider eight months. Another point was made that each extension takes Mr. Radachy's time with pictures and going back to the agencies to get their input and there is no money coming in to cover these costs. When extensions are limited to two, then fees would have to be incurred. It was suggested the members look at staff's time as important and valuable. It was decided to add an extension fee into the fee table during the new business segment of this meeting.

If the Planning commission gives an 8-month extension, the Developer should have a good amount of progress made so that road could become dedicated to Concord by June 30.

Mr. Schaedlich moved to grant an extension of eight (8) months to expire on June 30, 2013 with the expectations that the road would be constructed, the pond lowered and no further extensions would be approved. Mr. Smith seconded the motion.

The Chair asked if everyone understood the motion. The motion was restated.

All voted "Aye".

## Subdivision Report

Mr. Radachy stated there was no subdivision activity report this month.

## LAND USE AND ZONING REVIEW

### Madison Township Proposed Text Amendments to Sections 112, P-1; 115, B-2; 117, M-1, 114, 101, Definitions; 127, Parking; and 142, Conditional Uses

Madison Township is joining the other four townships in getting rid of the SIC codes and going with permitted use tables. They are deleting Section 112, P-1; Section 115, B-2; and Section 117, M1 and condensing it into a table in Section 114. They are also creating a new district, B-3, Wholesale and trade which is similar to BX in Concord Township. The SIC codes were put in place in 1938 and replaced in 1987. These codes had not been updated since 1997.

The Land Use and Zoning Committee recommended approval of the text amendment to Sections 114 and 101 with the addition of definitions for Insurance, Tax and Financial Related Services, Computer Related Services, Other Professional Office, Government Office, Auto Leasing, Construction (light and heavy), Recreational Facilities, Residential Care Facility, Nursing Home and Home for the Aging, Exterior Bank ATM and Motor Vehicle Sales, Pre-owned. They also recommended to change definition headings from Veterinary Service to Veterinary, Small; New Motor Vehicle, Rec. Vehicle Sales to Motor Vehicle Dealer, New; Livery to Livery, Auto; Light Manufacturing to Manufacturing, Light; Wholesale Building Supply to Wholesale Business; and Utility Service and Facilities to Utility and Communication Facilities along with recommending the deletion of Sections 112, 115 and 117 from the text. The Committee recommended the changes in Parking, Section 127 with the suggestion that Madison Township put a statement in the text that existing homes are grandfathered from having to build an enclosed parking area if they expand their homes. The Committee also recommended the revisions of Section 142, Conditional Uses with the addition of language that would allow the BZA to determine hours on Clubs, Public Meeting Spaces and Indoor Recreation.

Mr. Schaedlich commented that there were a lot of typographical errors throughout the text that needed to be corrected.

Mr. Morse moved to accept the recommendations of the Land Use and Zoning Committee and Mr. Schaedlich seconded the motion.

All voted "Aye".

## REPORTS OF SPECIAL COMMITTEES

### Bylaws Review Committee

Mr. Radachy stated the Bylaws Review Committee met on September 17, 2012 and decided to submit a number of questions to the Prosecutor. Originally, they decided on meetings to be held on October 1, 15 and 29<sup>th</sup>. In the meantime, the County Commissioners decided to send Mr. Radachy to Columbus on October 1, 2012. The next meeting will be October 15 and Mr. Radachy will submit answers to most of the questions they had and make some of the changes discussed at the last meeting. Minutes from that meeting are available.

## Coastal Plan Committee

The Coastal Plan Committee has not met. They were supposed to meet tomorrow, but that meeting was also cancelled. Ohio State Extension had already scheduled a parenting class in this room and at the time the September meeting was scheduled, they were not aware the room was in use. That meeting had to be cancelled because of lack of space. They will be meeting again in November. Mr. Zondag said if this should happen again to contact him to work out something.

## OLD BUSINESS

### Subdivision Regulations

The staff is preparing the Subdivision Regulations to be submitted to the Board of Lake County Commissioners in the next couple days for a public hearing.

## NEW BUSINESS

### Fee Schedule Change

Ms. Pesec called the members' attention to the current fee schedule. She stated Mr. Radachy said the only thing we do not have a fee for are extensions. He recommended the tabling fee of \$200.00 be used for the extension. Mr. Radachy suggested using the variance fee of \$300.00 after more thought. When asked by Mr. Zondag, Mr. Radachy said staff spends about 4-8 hours on each extension. He said his time is now worth \$40.00 per hour for contracts and for 8 hours at \$40.00 our services would cost \$320.00. It was suggested to set the extension fee at \$300.00.

Mr. Schaedlich moved to set an extension fee for \$300.00 and Ms. Pesec seconded the motion.

The Chair called for a roll call vote and the Secretary did a roll call vote as follows:

Mr. Zondag – No

Mr. Smith – Yes

Mr. Siegel – No

Ms. Pesec – Yes

Mr. Morse – Yes

Ms. Hausch – Yes

Mr. Welch – Yes

Mr. Bodnar – Yes

Motion carried six to two.

Mr. Bodnar suggested that the Board in the future consider a progression with the first extension being \$300.00 and the second extension being \$1,000.00.

## PUBLIC COMMENT

There was no public comment.

## ADJOURNMENT

Mr. Bodnar moved to adjourn the meeting and Mr. Siegel seconded the motion.

All voted "Aye".

The meeting adjourned at 5:51p.m.